

## **REMARKS**

### **Telephone Conference**

Applicant greatly appreciates Examiner's time in speaking with Applicant via telephone on 11/16/09. Examiner informed Applicant that the Notice of Non-Compliant or Non-Responsive Amendment dated 10/14/09 is not a formal restriction requirement, but a notice that Applicant has incorporated limitations that Examiner views as being unsupported in the specification. Applicant has incorporated Examiner's suggestions in the response below.

### **Election/Restrictions**

Examiner's objections to Applicant's response to the Office Action dated January 13, 2009 appear to be based upon a view that a digital imaging system wherein an image sensor, a separate display, an image sensor orientation sensor, a display orientation sensor, an image transfer memory, and an image manipulator are **co-located within a single enclosure** as claimed by amended Claims 1 and 2 is not supported in the specification. Although Examiner is correct in observing that the previously cited portion of the specification—page 10, lines 13-28 and Figs. 9 and 10—indicate a camera and a physically separate display, support for the amendments may be found elsewhere in the specification. Specifically, page 12, lines 26-31 describe an embodiment incorporating “combined image sensor and display devices... which devices may sense, display, store, send or receive images in any combination.” Page 13, lines 1-5 further note, “the inventor envisions the use of the invention in video cell phones where the phone contains an angular sensor, image sensor, display, memory and associated support circuitry, wherein images which are sent from the phone are orientation corrected in response to the tilt of the phone when the image is acquired, and images received by the phone for display are oriented in response to the tilt of the phone when displayed.” These portions of the specification clearly describe embodiments wherein the aforementioned components are co-located within a single enclosure. Particularly, use of the invention in a video cell phone necessarily requires that all components be located within the phone itself, which is inherently a singular enclosure. Thus, Applicant respectfully traverses this election/restriction.

Should the Examiner believe that a telephone conference would expedite the prosecution of this application; the undersigned can be reached at the telephone number set out below.

The Commissioner is hereby authorized to charge any additional fees due or credit any overpayment to Deposit Account No. 50-2421.

Respectfully submitted,

Dated: October 14, 2009

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